

IN THE KNOW

Bulletins for Benefits & HR Professionals



APRIL 7, 2021

CDC Loosens Its Guidelines on COVID-19 Restrictions for Vaccinated Workers

“For purposes of the new guidelines, the CDC advises that people are considered fully vaccinated two weeks after either their second dose in a two-dose series, like the Pfizer or Moderna vaccines, or after a single-dose vaccine, like the Johnson & Johnson vaccine. The CDC warns that if it has been less than two weeks since a person’s last shot, or if they still need to get their second dose, they are not fully protected and should still observe prevention measures until they are fully vaccinated.” [Full Article](#)

Phelps Dunbar



Potential Biden Administration Impacts on Labor and Employment Issues

“President Biden's initiatives include many potential changes to the laws that employers had been operating under during the last four years of the Trump administration. Below, we have highlighted a few key areas that employers should keep an eye on as the Biden presidency unfolds. These key areas include (1) the classification of workers as employees versus independent contractors; (2) greater employee protections regarding union organizing; and (3) the potential elimination of restrictive covenants nationwide.”

[Full Article](#)

Venable

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COVID-19 and Employee Mental Health: What Employers Can Do

“The significant impact of COVID-19 on employees includes not only the many risks to physical health, including, at the most extreme, death, but also the heavy toll on employee mental health. In October 2020, the Kaiser Family Foundation (KFF) reported that mental health illnesses could soon eclipse obesity as the most common pre-existing condition in the United States.” [Full Article](#)

Thompson Coburn

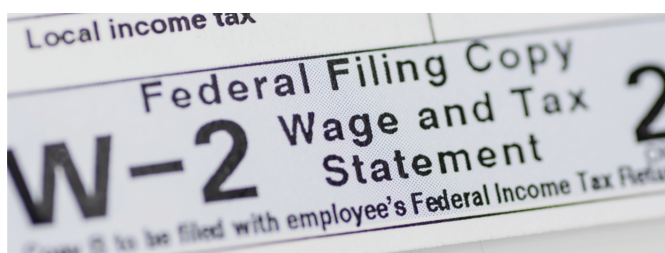


COBRA Premium Subsidy Under the American Rescue Plan Act

“The recently signed American Rescue Plan Act (ARPA) will have a major impact during the next six months on employers' obligations and considerations in administering COBRA health insurance benefits. Subtitle F of ARPA – Preserving Health Benefits for Workers – provides a six-month COBRA premium subsidy for certain qualified beneficiaries commencing on April 1, 2021... Meanwhile, guidance from the Internal Revenue Service (IRS) and U.S. Department of Labor (DOL) is needed, and expected to be provided early next month, and model notices should be published by April 10, 2021.” [Full Article](#)

Holland & Knight

Employee W-2's May Need to be Corrected for FFCRA Leaves



“Under the Families First Coronavirus Response Act (FFCRA), employers with fewer than 500 employees are required to provide paid sick and family leave for certain COVID-19-related reasons. Employers are required to report leave payments as wages on each qualifying employee's Form W-2. While IRS Notice 2020-54 provided guidance on the W-2 reporting requirement in July 2020, this guidance was not incorporated into Form W-2 instructions for 2020. Since most employers

provide W-2s to their employees by January 31, there may be many who misreported leave payments and must now send corrected W-2s to their employees.” [Full Article](#)

Hall Benefits Law

DOL Ends Self-Reporting Program for Wage And Hour Violations

“The U.S. Department of Labor (DOL) has terminated its Payroll Audit Independent Determination (PAID) program that allowed employers to self-report federal minimum wage and overtime violations under the Fair Labor Standards Act (FLSA). The DOL made the announcement via press release on January 29, 2021. The PAID program was launched in March 2018 and quickly drew criticism. Attorneys general from 11 states sent a letter to the DOL protesting the move to allow employers to self-audit and self-report violations without requiring any penalties for the violations.” [Full Article](#)

Hall Benefits Law

State & International Compliance

CALIFORNIA



California's COVID-19 Supplemental Paid Sick Leave Returns

"On March 19, 2021, Governor Gavin Newsom signed Senate Bill No. 95 (SB95) and revived California's COVID-19 Supplemental Paid Sick Leave. By March 29, 2021, employers of more than 25 employees must provide Supplemental Paid Sick Leave for covered employees who are unable to work or telework due to concerns related to COVID-19 through at least September 30, 2021." [Full Article](#)

Buchalter

OHIO



Ohio's Employment Law Uniformity Act: New Prerequisites and Defenses for Discrimination Claims

"Ohio employment discrimination claims filed on or after April 15, 2021, will be subject to certain prerequisites under the newly enacted Employment Law Uniformity Act (ELUA). The ELUA updates the state's anti-discrimination statute, which has been in effect since 2001. The law's prohibition against employment discrimination on the basis of race, color, religion, sex, military status, national origin, disability, age, or ancestry remains the same." [Full Article](#)

Jackson Lewis

ILLINOIS



Illinois Employment Law Developments for First Quarter of 2021

"On March 23, 2021, Illinois Governor JB Pritzker signed a major new piece of legislation addressing equal pay and related issues. The new legislation contains significant changes for Illinois employers under the Illinois Human Rights Act ("IHRA"), Illinois Equal Pay Act ("IEPA"), and Illinois Business Corporation Act. The amendments limit the use of criminal conviction records, impose new reporting and registration requirements for employee demographics and pay, and create new protections for whistleblowers." [Full Article](#)

Gordon & Rees

NEW YORK



New York Issues Guidance on COVID-19 Vaccine Leave

"As discussed in our prior advisory, Governor Cuomo signed legislation on March 12, 2021, that provides up to four hours of paid leave for New York employees in connection with the receipt of a COVID-19 vaccine. The New York State Department of Labor recently issued guidance on the new leave that addresses four significant open question." [Full Article](#)

Davis Wright Tremaine

WEST VIRGINIA



West Virginia Enacts COVID-19 Jobs Protection Act

"On March 19, 2021, Governor Jim Justice signed legislation enacting a coronavirus liability shield law. Senate Bill 277, the COVID-19 Jobs Protection Act ("the Act"), is effective retroactively from January 1, 2020 and applies to any cause of action accruing on or after that date." [Full Article](#)

Littler Mendelson